

### AFFIDAVIT OF SERVICE

# UNITED STATES DISTRICT COURT Western District of Texas

Case Number: 1:22-CV-00835-LY

Plaintiff:

DR. ANDREW K. FOX

VS.

Defendant:

CITY OF AUSTIN AND JOEL G. BAKER, IN HIS INDIVIDUAL CAPACITY

Received these papers on the 6th day of September, 2022 at 3:30 pm to be served on CITY OF AUSTIN care of its City Clerk, MYRNA RIOS, 301 W. Second Street, Suite 2030, Austin City Hall, Austin, Travis County, TX 78701.

I, Jeff Keyton, being duly sworn, depose and say that on the 7th day of September, 2022 at 9:13 am, I:

delivered a true copy of this Summons in a Civil Action together with Complaint, Civil Cover Sheet, and attached Exhibits to CITY OF AUSTIN by delivering in hand to, ERIKA BRADY, Deputy City Clerk, at the address of 301 W. Second Street, Suite 2030, Austin City Hall, Austin, Travis County, TX 78701, having first endorsed upon such copy of such of such process the date of delivery.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 7th day of September, 2022 by the affiant who is personally known to me.

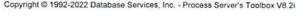
Jeff Keyton

PSC-7/35, Exp 7/31/2024

Our Job Serial Number: THP-2022004900

Ref: 2490355

Helen Broussard
My Commission Expires
11/04/2023
ID No 130429927





AO 440 (Rev. 06/12) Summons in a Civil Action

# **UNITED STATES DISTRICT COURT**

for the

Western District of Texas

Dr. Andrew K. Fox,	)	
Plaintiff(s)  v.  City of Austin and Joel G. Baker, in his individual capacity,	) ) ) Civil Action No. ) )	1:22—cv—00835-I.Y
Defendant(s)	) ) )	

#### SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Clty of Austin c/o Myrna Rios, City Clerk Austin City Hall 301 W. Second Street, Suite 2030 Austin, TX 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are: Hillary K. Lynch

Platt Cheema Richmond PLLC 1201 N. Riverfront Blvd., Suite 150

Dallas, TX 75207

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Philip J. Devlin

CLERK OF COURT

08/19/2022 Date:

Signature of Clerk or Deputy Clerk



## Case 1:22-cv-00835-LY Document 13 Filed 10/03/22 Page 3 of 8

Case 1:22-cv-00835-LY Document 6 Filed 08/19/22 Page 2 of 4

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Civil Action No.

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

received by me on (date	c)				
☐ I personally ser	ved the summons on the individual	nt (place)			
		on (date)	; or		
☐ I left the summe	ons at the individual's residence or t	isual place of abode with (name)			
	, a person of suitable age and discretion who resides there,				
on (date)					
☐ I served the sun	nmons on (name of individual)		, who i		
designated by law	designated by law to accept service of process on behalf of (name of organization)				
·		on (date)	; or		
☐ I returned the su	immons unexecuted because		; or		
☐ Other (specify):					
My fees are S	for travel and \$	for services, for a total of S	0.00		
I declare under per	nalty of perjury that this information	is true.			
e: RETU	IRN / AFFIDAVIT	Server's signature			
PRO	OF / ATTACHED				
		Printed name and title			
		Server's address			

Additional information regarding attempted service, etc:

## CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2022, I electronically filed the foregoing document with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record who are registered users of the ECF system.

By: s/ Henry W. Frampton, IV

Henry W. Frampton, IV South Carolina Bar No. 75314\* Alliance Defending Freedom 15100 N. 90th Street Scottsdale, AZ 85260 Telephone: 480–444–0020 hframpton@ADFlegal.org

Attorney for Plaintiff
\* Admitted Pro Hac Vice

#### AFFIDAVIT OF SERVICE

# UNITED STATES DISTRICT COURT Western District of Texas

Case Number: 1:22-CV-00835-LY

Plaintiff:

DR. ANDREW K. FOX

VS

Defendant:

CITY OF AUSTIN AND JOEL G. BAKER, IN HIS INDIVIDUAL CAPACITY

Received these papers on the 6th day of September, 2022 at 3:30 pm to be served on JOEL G. BAKER IN HIS INDIVIDUAL CAPACITY, care of CITY OF AUSTIN FIRE DEPARTMENT, 4201 Ed Bluestein Blvd., Austin, Travis County, TX 78721.

I, Jeff Keyton, being duly sworn, depose and say that on the 7th day of September, 2022 at 1:35 pm, I:

delivered in hand to JOEL G. BAKER, Fire Chief of Austin, a true copy of the Summons in a Civil Action together with Complaint, Civil Cover Sheet, and attached Exhibits, at Austin City Hall, 301 W. 2nd, Lobby, Austin, Travis County, TX 78701, having first endorsed thereon, the date of delivery.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 7th day of September, 2022 by the affiant who is personally known to me.

Jeff Keyton

PSC-735, Exp 7/31/2024

Our Job Serial Number: THP-2022004899

Ref: 2490337





AO 440 (Rev. 06/12). Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Western District of Texas

Dr. Andrew K. Fox,	)	
Plaintiff(s) v. City of Austin and Joel G. Baker, in his individual capacity,	Civil Action No.	1:22-cv-00835-LY
Defendant(s)	ì	

#### SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Joel G. Baker, in his individual capacity c/o City of Austin Fire Dept.
4201 Ed Bluestein Blvd.
Austin, TX 78721

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney,

whose name and address are: Hillary K. Lynch

Platt Cheema Richmond PLLC 1201 N. Riverfront Blvd., Suite 150

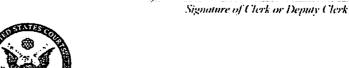
Dallas, TX 75207

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Philip J. Devlin

CLERK OF COURT

Date: 08/19/2022



# Case 1:22-cv-00835-LY Document 13 Filed 10/03/22 Page 7 of 8

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

	This summons fo	or (name of individual and title, if any)					
vas re	ceived by me on ad	ate)					
	☐ I personally se	erved the summons on the individual at	(place)				
			on (date)	; or			
	☐ I left the summons at the individual's residence or usual place of abode with (name)						
	on (date), a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides there are a person of suitable age and discretion who resides the person of suitable age are a person of suitable age and discretion who resides the person of suitable age are a person of suitable age are a person of suitable age and discretion who resides the person of suitable age are a person of suitable						
	☐ I served the su	ummons on (name of individual)		, who is			
	designated by law to accept service of process on behalf of (name of organization)						
	-		on (date)	; or			
	☐ I returned the	summons unexecuted because		; or			
	Other (specify):						
	My fees are \$	for travel and \$	for services, for a total of \$	0.00			
	I declare under p	enalty of perjury that this information is	true.				
Date:			6				
		Server's signature					
		RETURN / AFFIDAVIT PROOF / ATTACHED	Printed name and title				
			Server's address				

Additional information regarding attempted service, etc:

## CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2022, I electronically filed the foregoing document with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record who are registered users of the ECF system.

By: s/ Henry W. Frampton, IV

Henry W. Frampton, IV South Carolina Bar No. 75314\* Alliance Defending Freedom 15100 N. 90th Street Scottsdale, AZ 85260 Telephone: 480–444–0020 hframpton@ADFlegal.org

Attorney for Plaintiff
\* Admitted Pro Hac Vice